

# King County Community and Human Services Office of the Public Defender (OPD) - Summary Dashboard Report

Data through December 2009

Other Important 2009 Metrics		
	4Q09	1Q09 - 4Q09
Number of cases assigned	6,222	26,623
Number of clients assigned	5,643	24,112
Number of clients screened	2,865	12,065
Percent of clients screened	51%	50%
Number of promissory notes issued	2,140	9,531
\$ amount of promissory notes issued	\$ 216,796	\$ 943,657
Number of expert requests received	691	2,502
Number of expert requests denied by OPD	54	196

## Other Notable Items 4Q09 - 2010

Late 2008, Council amended King County code to change the contract period for public defense services from Jan-Dec to July -June. Contracts under the revised code were signed 7/1/09.

On June 1, 2009 Council approved Ordinance 16542, which includes a requirement that OPD conduct a study of the county's public defense case weighting methodology in paying for public defense services, with a report due April 30, 2010. Data collection under the study began in November 2009 and concluded February 16, 2010.

OPD conducted quality assurance site visits to each of the four non-profit defense agencies on November 9th, 17th, 18th and December 1st (one full day per agency.)

OPD staff continue to prepare for possible flooding in the Green River Valley in coordination with DCHS, the Courts and KC Facilities.

King County has received a Public Defense Improvement Grant funds of \$1.3 million for 2010 from the Washington State OPD. This will allow previous improvements to be continued for 2010.

OPD continues to offer free Continuing Legal Education classes that have been very well received by assigned counsel and agency attorneys. Recent and future trainings include:

- Communication Arts for the Professional presented by Communications Professional Joshua Karton (Nov.)
- Defending Against Scientific Evidence and the 2009 NAS (National Academy of Science) Report presented by Criminal Defense Attorney Mark Prothero (Feb.)
- Confidentiality, Candor, Zeal and the RPCs (Rules of Professional Conduct) presented by Professor Brooks Holland from Gonzaga Law School (March)
- Ethical Issues in Representing Children presented by SCRAP Deputy Director Jana Heyd (upcoming March/Seattle) (April/MRJC)
- Trial Advocacy for Public Defenders: Three day Small Group Intensive presented by Ira Mickenberg, Director of the National Defender Training Project (May)

2009 Business Plan Performance Measures									
	Status	Hist Avg	08 Target	08 Actual	09 Target *	Jan-Jun 09**	Jul-Dec 09**	Bench mark	
Variance in Felony Caseload	▲	1.3%	≤ 0%	-15.2%	≤ 0%	2.6%	-12.0%		
Variance in Misdemeanor Caseload	▲	1.6%	≤ 0%	-7.3%	≤ 0%	-1.2%	-4.2%		
Variance in Juvenile Caseload	▲	-5.3%	≤ 0%	0.0%	≤ 0%	1.9%	-4.5%		
Variance in Dependency Caseload	▲	2.8%	≤ 0%	1.4%	≤ 0%	3.2%	0.0%		
Average days to in custody felony assignment (YTD)	▲	NA	≤ 1 day	0.7	≤ 1 day	0.81			
Average days to out of custody felony assignment (YTD)	▲	NA	≤ 5 days	3.39	≤ 5 days	4.52			
% of cases where defendant is contacted by agency within 1 day (IC = In Custody) or 5 days (OC = Out of Custody)	▼	NA	100.0%	68% IC 88% OC	100.0%	69% IC 92% OC			
Number of complaints received and % determined to be valid (YTD)	▼	NA	NA	NA	100 / 0%	98 / 3.1%		-- / 10%	

\* Annual Target contract variance reflects off-set contract running 7/1/09-6/30/10.

\*\* Variance rates for 1st & 2nd half 2009 shown separately to reflect changes as a result of new contract year starting 7/1/09.

## Other Performance Measures

Variance in COC Caseload	◆	NA	0.0%	3.6%	≤ 0%	13.7%	-0.6%		
Variance in ITA Caseload	◆	NA	0.0%	10.0%	≤ 0%	-2.4%	6.2%		
Variance in Becca Caseload	◆	NA	NA	NA	≤ 0%	-27.2%	-65.2%		

## Division Director's Message

Contract Case Credits: Overall, serious felonies including violent felonies and sex-related felonies are up. This is somewhat offset by the shift of lesser felony cases to expedited felonies, with a resultant reduction of felony cases overall. Felony caseload projections for 2009 & 2009-2010 contracts have taken these trends into account.

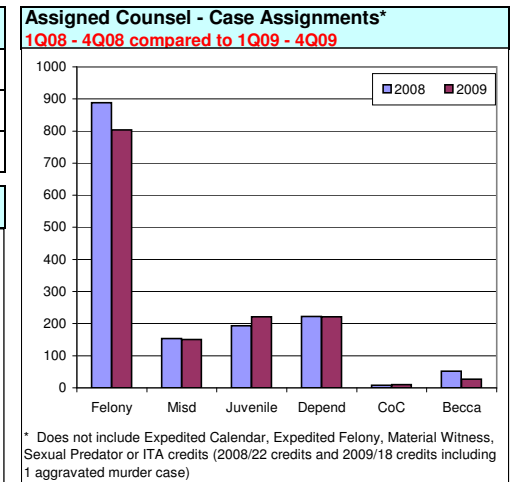
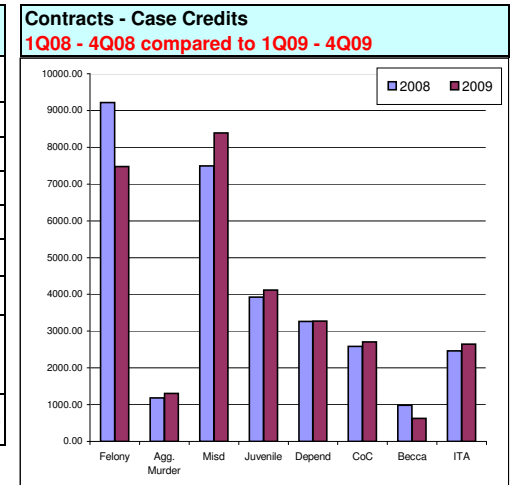
Contract Case Credits: Misdemeanor credits include changes from "per case" credits for expedited felonies as a misdemeanor credit to "calendar" representation on expedited felonies. This change started on 7/1/09.

Per Ordinance 16542, a new contract for public defense services went into effect July 1, 2009, requiring interim case weighting for certain cases. The interim system provides 10 credits upon assignment for homicide cases and 5 credits upon assignment for cases charged with the enhancer 'with sexual motivation' and subject to indeterminate life sentences. If these homicide or sex offense cases exceed 220 hours of attorney time, agencies may request three additional credits for every 50 attorney hours over 200 attorney hours. All other felonies may receive 3 credits for every 50 hours beyond the initial 12.1 hours. This was continued for 2010 by Ordinance 16717.

The Court of Appeals decided Bellevue School District vs. E.S. which could increase attorney assignments and defense costs in truancy cases. The decision requires that public defense attorneys be provided to all juveniles charged with truancy under the Becca Bill from the date of filing, as opposed to when the case reached the point of Contempt of Court (which brings with it the possibility of juvenile detention.) This new requirement could result in a significant increase in case assignments. The case is on appeal to the WA Supreme Court, with a decision likely in mid-2010. Current Court procedures are restricting the number of truancy cases for appointment pending the outcome of this case. Truancy orders for appointment increased in January and February 2010. OPD continues to monitor and assess this development with Juvenile Court.

Washington State Patrol anticipates adding new WSP troopers as of 7/1/10, for increased DUI patrols; likely increase DUI cases in the county by 1,200 per year. OPD could receive at least half of those.

Pending Aggravated Murder cases include: C. Schierman, M. Anderson, J. McEnroe, I. Kalebu, C. Monfort, and T. Hicks. N. Haq recently concluded in January 2010 and L. Carneh concluded in late 2009. A case is under investigation from Northgate that involved a double homicide and reportedly has the potential defendant. No one is charged or in custody on this case at this time.



Improving/Target Achievable = ▲  
Watch/Target at risk = ◆  
Unfavorable trend/Target not attainable = ▼

**Key Definitions:**  
OPD: Office of the Public Defender  
Becca: Juveniles charged under the Becca Bill  
CoC: Contempt of Court hearings  
Depend/Dependency: Child dependency hearings on parental rights  
ITA: Involuntary Treatment Act  
Misd: Misdemeanor